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May 11, 1992

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Federal Communications Commission  
Office of the Secretary

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

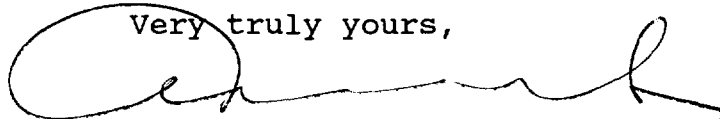
RE: MM Docket No. 92-33  
Bible Broadcasting Network, Inc.  
Conway, Florida  
File No. BPED-890412MJ

Dear Ms. Searcy:

Transmitted herewith, on behalf of Bible Broadcasting Network, Inc., applicant for a construction permit for a new educational FM station at Conway, Florida (File No. BPED-890412MJ), are an original and six copies of an "Outline of Material Evidence to be Submitted at Hearing".

If there are any questions with respect to this matter, please communicate with the undersigned.

Very truly yours,



Gary S. Smithwick  
Counsel for  
BIBLE BROADCASTING NETWORK, INC.

GSS/pn  
Enc.

cc: As per Certificate of Service  
Conway Public File  
Bible Broadcasting Network, Inc.

047

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

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MAY 11 1992

Federal Communications Commission  
Office of the Secretary

In re Applications of	)	MM Docket No. 92-33
	)	
CENTRAL FLORIDA EDUCATIONAL	)	File No. BPED-881207MA
FOUNDATION, INC.	)	
Channel 202C3	)	
Union Park, Florida	)	
	)	
BIBLE BROADCASTING NETWORK, INC.	)	File No. BPED-890412MJ
Channel 202C2	)	
Conway, Florida	)	
	)	
SOUTHWEST FLORIDA COMMUNITY	)	File No. BPED-891127MC
RADIO, INC.	)	
Channel 202C2	)	
Conway, Florida	)	
	)	
MIMS COMMUNITY RADIO, INC.	)	File No. BPED-891127MD
Channel 202C1	)	
Oak Hill, Florida	)	
	)	
HISPANIC BROADCAST SYSTEM, INC.	)	File No. BPED-891128ME
Channel 202C3	)	
Lake Mary, Florida	)	
	)	
For Construction Permit	)	
For a, Noncommercial,	)	
Educational New FM Station	)	

TO: The Honorable Edward J. Kuhlmann  
Administrative Law Judge

**OUTLINE OF MATERIAL EVIDENCE**  
**TO BE SUBMITTED AT HEARING**

Bible Broadcasting Network, Inc. ("BBN"), by its attorneys, and pursuant to the Presiding Judge's Memorandum Opinion and Order, FCC 92M-496, released April 27, 1992, hereby submits its Outline of Material Evidence to Be Submitted at Hearing with respect to Issues 2 and 3 of the Hearing Designation Order, DA 92-224, released March 10, 1992:

I.

Issue 2 provides as follows:

2. To determine: (a) the number of other reserved channel noncommercial educational FM services available in the proposed service area of each applicant, and the area and population served thereby; (b) whether a share-time arrangement between the applicants would result in the most effective use of the channel and thus better serve the public interest and, if so, the terms and conditions thereof; and (c) in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

**Joint Engineering Exhibit No. 1**

(a) To meet issue 2, BBN intends to co-sponsor with the other applicants a joint engineering exhibit which will depict the number of other reserved channel noncommercial educational FM services available in the proposed service area of each applicant, and the area and population served thereby. The joint engineering exhibit will also provide evidence for consideration by the Presiding Judge as to which of the proposals would best provide a fair, efficient and equitable distribution of radio service consistent with Title 47 U.S.C. §307(b).

**BBN Exhibit 1**

(b) BBN will, on May 28, 1992, provide an outline of evidence concerning the "share-time" aspects of the HDO. The evidence will be set forth in BBN's Exhibit 1.

## II.

Issue 3 provides as follows:

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), the extent to which each of the proposed operations will be integrated into the overall cultural and educational objectives of the respective applicants; and whether other factors in the record demonstrate that one applicant will provide a superior FM educational broadcast service.

### BBN Exhibit 2

(a) BBN will offer in evidence the testimony of its president, Lowell L. Davey, to describe the corporate structure of BBN; the nature and educational purposes of BBN; how the proposed Conway, Florida, station will be used for the advancement of an educational program; and how BBN's operations will be integrated into the overall cultural and educational objectives of BBN.

(b) The evidence will show that BBN is a Virginia non-profit non-stock corporation with a seven member Board of Directors with each member holding 14.29% membership in the corporation. The President of BBN is Lowell L. Davey. The Vice President is Georgeanna Davey. Joseph J. Mast is Secretary/Treasurer. Terry Hylton is Assistant Secretary. In addition to the persons just identified, who are all directors, other directors include R. Lindsay Poteat, Joy A. Raley, Frank McDowell, and David Jeremiah. BBN Exhibit 2 will describe how BBN feels that radio is a most effective tool to be used in the educational field, and that BBN

believes its news coverage, public service, and public affairs programming, can help inform and educate the public to develop a better community. BBN feels an educational format and religious teachings are a combination that will bring about comfort and stability in the Conway, Florida, area. BBN believes that changing society needs what it has to offer, and BBN will educate, assist and help resolve solutions to law enforcement problems and meet many needs of the Conway community. BBN also offers free counseling to people who need help in spiritual and social needs.

**BBN Exhibit 3**

(c) BBN will offer in evidence a description of the proposed programming to be broadcast on the Conway station. Being exchanged today with other counsel in this proceeding is a copy of a list of the programs which BBN proposes to broadcast over the Conway station.

**BBN Exhibit 4**

(d) BBN will offer in evidence the testimony of Lowell L. Davey to demonstrate that BBN proposes to provide a superior FM educational broadcast service to the residents of Conway and the surrounding area. Exhibit 4 will demonstrate how BBN has constructed many educational FM radio stations in the past, and how BBN currently holds licenses or construction permits for 28 broadcast stations, all of which are operated with a non-commercial educational format. BBN Exhibit 4 will provide evidence to the


Commission on why the Commission can rely on BBN to promptly construct a new non-commercial FM educational station at Conway, and operate it in the public interest.

**BBN Exhibit 5**

(e) BBN will offer in evidence the testimony of Lowell L. Davey to demonstrate that BBN proposes to install an auxiliary power source at the Conway station.

Respectfully submitted,

**BIBLE BROADCASTING NETWORK, INC.**

By:   
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Gary S. Smithwick  
Its Attorney

**SMITHWICK & BELENDIUK, P.C.**  
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May 11, 1992

**CERTIFICATE OF SERVICE**

I, Patricia A. Neil, a secretary in the law firm of Smithwick, & Belendiuk, P.C., certify that on this 11th day of May, 1992, copies of the foregoing were mailed, first class, postage paid to the following:

Honorable Edward J. Kuhlmann\*  
FCC, Administrative Law Judge  
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Patricia A. Neil

\*by hand